

Main Issues for Setting the Civil Service Reform Agenda in Pakistan

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1. INTRODUCTION

Civil service reform is not new to the development debate in Pakistan. The role of bureaucracy is discussed every now and then. Civil service reform is nowadays quite uniformly discussed as a major problem for development in Pakistan, or at least so it is considered. Most of the blame for policy and programme failures is assigned to the civil service. Recognising the importance, or persistence of the problem, governments over time have attempted to deal with the issue by setting up committees and commissions, many times in this paper I am presenting a discussion of some pre-eminent issues besetting the civil service in Pakistan in my view unless these issues are addressed at the outset no meaningful reform can be formulated or implemented. Addressing them is paramount for setting an agenda for the reform.

Civil service reform due to the complex nature of the problem works at various levels simultaneously. As long as this does not over simplify and aggregate problems it can work well. But for good results disaggregating problems will be required. What is required to be done in one branch might not be needed in the other. Legal instruments with a general and most wide ranging application should deal with basic principles of organisation while providing for differential rules to emerge and give detailed structures. A set of actions to deal with the basic structures will be part of any reform but sometimes what remains ignored is that actions are also needed in other spheres of Pakistan's public life without which the reform in civil service itself will not attain the cherished goals. The paper takes up discussion of issues from these levels of consideration. It begins with the aggregation framework and goes on to highlight the most urgently felt area of local civil service. It ends by highlighting the complementary actions.

In this paper I discuss a list of issues for setting the civil service reform agenda in Pakistan. I regard them as pre-eminent for they can have a major effect on the reform efforts, their organisation, management arrangements and results.

2. THE AGGREGATION PROBLEM

It might seem innocuous or even attractive to deal with the civil service at an aggregate level when conceiving a reform. The attraction lies in the possibility of bringing in a wide ranging transformation which renders all state institutions immediately effective. But whether it is feasible is a question requiring careful consideration; an additional question is if such an option will delay or expedite the over due change in civil service systems.

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Technically, and quite literally, most of the public sector employees whether they are doctors, engineers, teachers, revenue collectors, police or secretariat employees are 'civil servants.' This is true if we use the legal definition or its related case law. When a commission takes up civil service reform most often all branches and categories of the public sector employees are included in its purview. From one angle it seems to be a worthy assignment whereby much what is preventing the society from reaching its potential can be dealt with by a single commission. It is based on the hope that a commission or an agency can centrally conceive, organise and manage the required change and enhance the efficiency and effectiveness of the public sector. But realistically a commission attempting to reform such a diverse group of public sector employees is an very challenging proposition, to say the least. Reforming the institutional structures, career patterns, appointment, promotion and transfer mechanisms, pay and compensation packages, retirement matters, performance evaluation, work environment, efficiency and discipline and controlling laws of the civil service all should then be addressed within the framework. From another perspective too a broad based civil service reform is an attractive proposition. If possible it is efficient for the government to achieve results with the least possible effort.

But the issue for consideration is whether it is feasible or even advisable to conceptualise a civil service reform at an aggregate level. There are several reasons why aggregation of this kind, for conceptualising, organising and managing reform, is not a good idea.

First of all it places limitations on the choices of the reformers. This issue can be highlighted by an example. For instance, several times pay rises have been given in the recent years. Under the compulsion of treating all categories of civil servants through the prism of the 22 pay scales, an increase affects a broad swathe of civil servants in the society. I term this as the uniformist approach. It is premised on the foundation that all civil servants are underpaid and they are not getting their market wages and therefore compensation needs to be increased. But it doesn't consider the fact that the market wage for doctors, engineers, teachers and revenue collectors who have qualifications and experiences to be placed in BPS-17, to name a few, are not going to be same. If their baseline salaries are similar then the differences in their market wages and what they are getting are not the same. Some of them are drawing half the salary given the market wage for a comparable positions while another might be getting only ten percent less than what the market would offer for the undertaking. Giving them the same pay raise therefore does not seem to be moving them closer to their market wage except that reduces the aggregate difference. Beyond that declining number the mischief is not addressed. Some or many civil servants still might be getting wages different from the market wage creating perverse incentives and reducing productivity, given that the number of hours that they can offer to work is fixed in the formal sense. Dealing with them at an aggregate level therefore means that the reform abstracts from the factors which have an important effect on the work and productivity of the civil service.

The uniform pay scales in my view is an unnecessary constraint. It may have some uses but they far outweigh the rigidity they bring into the structure of civil service which should be shaped to match the needs of very diverse roles of the state. A false sense of egalitarianism connected with the uniform pay scales has created a big hurdle in the way

of reform. When officials differ in their tasks and qualifications, when they vary in their responsibilities and duties a uniform pay scale system cannot be easily justifiable; but justifiability let alone it has been taken as unquestionable corner stone of the civil service structure. No reform seeks to evaluate it or measure the extent of rigidity it creates for the state limiting its options is creating offices and positions according to the nature of assignment. Seemingly the structure of the civil service is conceived and brought up around the artificial accounting simplicity of uniform pay scales. But this is just a simple introduction to this problem.

It is seldom considered by any civil service reform group to seriously create a structure where differences in job description, qualifications, responsibility and duties are open heartedly recognised. Apparently reform is confined to tinkering with pays and allowances, which have long lost relevance or accommodating pent up grievances of some groups and giving them a greater room for promotions. Without questioning the validity of these actions, I am asserting that the issues hampering the performance of civil service are much greater than removing bottlenecks in the way of a few civil servants belonging to some group. No meaningful reform can take place in such a confining framework, where a reform commission cannot abdicate such an artificial and unrealistic construct. A civil service which manages a complex country and its numerous services cannot be fashioned on a long out of fashion communist lack of imagination.

Civil service has to emerge out of its confining uniform pay scales and allow sufficient variations in the pay and compensation packages, matching them with the diversity of functions and required qualifications. The uniformity of pay scales frameworks restricts options in two ways: firstly, it reduces the possible options before any commission of treating categories of civil service according to their market wages; secondly, it rules out the option of managing reform in all sectors over an extended timeline; all sectors have to be treated at once. It seems like a truism but nevertheless it is worth emphasising that doctors should be treated differently than road engineers; teachers should not be assumed to be the same as revenue officials. And so on so forth.

Moving away from uniform pay scales will require the courage to proclaim that there is no attempt to achieve an artificial uniformity; that the government will treat people according to their job descriptions and responsibilities. It should be said and made clear that all jobs are not alike and nobody should spend much time proving it otherwise by getting pieces about victimising published in the press. It is amazing that articles in the press agitated for treating all BPS-22 officials alike claiming that any benefit given to a federal secretary should be automatically given to any BPS-22 official. Again without questioning the validity of the case that I cite, this is an example of the uniformity principle ruling out any management option that attempts to match civil servant compensation with the nature of the job.

At the same time the syndrome of playing the underdog should be checked. The civil service reform should not be treated eternally toward redress of grievance of those who have been unfairly treated only. Notwithstanding the importance of meting a fair treatment to all civil servants, disregarding groups, it is also important to recognise that the basis of claims should more than the scale of number of years; other considerations of performance, even if painful, should be attempted. The reform should be dealt within an ethos where excellence is valued and celebrated. In our collective race to the bottom

those who stand out, individuals as well as services, are ridiculed and penalised while mediocrity becomes the best hiding cloak for large numbers. Some of the reform efforts have encouraged such behaviour and even institutionalised it. Civil service reform efforts by pandering to accumulated grievances, without sifting for grain from chaff, have encouraged emergence of classical Weberian criticisms.

One of the options that should be on the table for civil service is to build around the prestige that some of the services offer. Candidates and later officials certainly consume prestige and social recognition that comes with being in a service in addition to the compensation package.¹ That these non-monetary benefits are an important variable in determining the utility that individuals derive from being in the service is demonstrated from the indirect evidence of their high demand even when they offered below market salaries. An argument can be made that it could be associated with the rents that came with some of the positions also in addition to the present value of life time benefits of a secure tenure. But the factors can only be established with empirical research on the subject. Some efforts have taken the approach of whittling down prestige as well as giving new names for unrecognisable personae. Such an approach means ignoring the advantages that some public sector employment in Pakistan has, that can serve as factors in creating structures of such services.

3. DEFINITION OF THE PROBLEM STATEMENT

The issue of problem statement and defining TORs for the reform committees is connected with the first one: if the TORs are very broad and encompass a wide ranging effort at improving the performance of the civil service in the country² they present a plethora of issues to the committee members from which to choose and prioritise. Sometimes the reform committees can use this flexibility to set their own agenda but at others the broad TORs can themselves generate enough pressure on the committee to render it ineffectual. Setting clear and doable TORs is the first step in undertaking reform. Some of this discussion therefore attends to this issue. Defining TORs and the scope of work will enable a commission or a committee to focus their limited time and resources on a specific agenda. This job cannot be abdicated to the committee itself. It is not an unknown practice where reform institutions have continually solicited tasks and assignments to perpetuate themselves, in accordance with the known mode of government entities. Sufficient understanding and debate within the government should precede writing TORs of any reform entity. This prior discussion should attempt to conceptualise a view of the problem and prioritise areas for desired action. Doing this will serve the subsequent committee well and be useful and purposeful. In other words it means that the public sector should move away from tendency of outsourcing its basic function, namely understanding the problem it wishes to resolve.

A contrary approach also suffers from limitations. In some other cases the committee jobs have boiled down to very narrow and specific actions like reducing the number of tiers in the federal secretariat. Without going into the merits of the proposal the issue under discussion here is the merit of the approach where a narrow focus on a perceived problem seems to overtake the need for analysis of the larger issues besetting

¹For details see Shafqat (1990), Table 2.

²Cabinet Secretariat (2006).

the civil service structure, ethos and morale. On the one hand it is important to look at the issue more closely without painting it with a very broad brush but on the other the TORs should not preclude a comprehensive situation analysis within the defined scope. Where a preconceived idea becomes the basis of reform, it defines the problem statement (which it should), forces an already voiced analysis on the committee and preordains a solution. If such a component of the problem did exist, where the analysis was clear and the solution were at hand a committee or a commission would not be required to delve into it again. I consider some of the work of the CAR commission's³ to fall in this category. Reducing the number of tiers in the federal secretariat per se did not make the civil service more effective.

4. IMPORTANCE OF SECTOR-SPECIFIC ACTIONS

For a meaningful reform defining the civil service seems a truism. But this step is essential to the success of design, implementation, organisation and management of the reform. I am not challenging the widely held perception that the whole range of civil service needs reform; nor that it is urgent and it is critical to achieving development goals in the country. Here the point is that the reform agenda should look at what is the most suitable way of undertaking it. Notwithstanding the desirability of the wide-ranging reform, a simultaneous broad based restructuring and reorientation is such a major task that it falls under its own weight once the initiative takes off. In many cases the uniformity principle automatically imposes a framework where all groups and branches are mostly a simultaneous focus of the reform effort: it goes without saying that too broad a focus means no focus at all in the effort.

Smaller and more focused initiatives have met more success. The unsung heroes of this kind can be found in the development sectors where projects or programmes have brought in important even though unnoticed changes. For instance the ongoing work on instituting contract employment in service delivery projects in Punjab in one such example.⁴ For instance, in Punjab without being called a civil service reform the Department of Health has brought in new rules to recruit and manage doctors on contract.⁵ It did not adopt the uniformist approach nor did it attempt to change the whole range of civil service at once. Here again the objective is not to discuss the merits of the contract employment itself or go into the details of its provisions; I am only highlighting a workable approach to adopting change where it is required. All this while keeping the agenda doable.

Another important point relating to the scope of reform in a given time period is the capacity of the state itself to undertake and absorb reform. Can for instance the government change over to a performance budgeting systems together with performance management in all departments at once. Too broad an agenda where it ignores the capacity of the public sector to change ignores two consequences: one, that such a broad action will not be implemented and whatever part is implemented will come at a huge cost in loss of service. Second, sometimes when seemingly it is being implemented the actual on ground structures do not necessarily adopt the shape or acquire the expected attributes.

³See CAR Report.

⁴Presentation of ACS Punjab to NCGR, April 2006.

⁵Pakistan (2004).

Announcing that a law will render a department people friendly does not necessarily translate into reality. A recent case of reform will highlight this objective. The implementation of local government laws in the country over the last five years have brought in enormous changes in the structures, rules, reporting obligations and nomenclature. But the structures on the ground and their functioning remains much different from the spirit and sometimes even the letter of the law.⁶ It is still a valid argument to say that such an approach does propel things toward the target, but it also ignores that fact that in terms of good management it does not take into account the enormous cost of disruptions or the private cost to civil servants of adopting to the new procedures and structures, sometimes according to their own interpretations. In case of local government law the change was easier in one way that it didn't change the procedures much but changed designations and the interagency relations. But when a civil service reform alters the way in which an office functions it will require much more support and management.

Another important aspect of the broad based approach is that it averages out the issues in different groups and branches of the civil service. Admittedly there are characteristics common to all public sector organisation.⁷ For instance any civil servant will testify to the fact of low compensation and its consequent low motivation for his work. But such common areas will be few and in any case the best approach to deal with them is not at the uniform level, as argued earlier in the paper. Such broad issues might need sector based solutions for each of them will may very well vary from the rest. The more important issues are imbedded in each sector's characteristic organisation, its structure, its work environment and the nature of issues it deals with. A patwari's reform cannot be the same as that of a road engineer. If the two are averaged and seen through the scope of the Civil Servants Act,⁸ the reform may not be meaningful to either or both of them. The statutes provide the basic principles, while the rules and other policy instruments are the ones which shape a cadre. The latter should receive much attention and it is here that the bulk of the sector based approach will need to focus.

Treating services differently and according to the nature of their work will give more space to the reform effort. An important omission in some reform efforts has been not to distinguish between standard enforcement and service delivery assignments. Structures and rules governing to kinds of civil service roles differ. For the former, the structure needs to insulate the civil servant from some of the immediate effects of her actions. For the latter it will not work. The civil servant has to be immersed in the effects of his work to be in his best responsive role. For the former a regulator is a prototype. Her work will require her to be protected from the consequences of her decisions. She will need insulation to acquire sufficient operational space within the social and cultural mores to regulate the assigned sector. Institutional structures, profile and rules will be the building blocks of her institutional space. On the other hand a TO Infrastructure with the important responsibility of providing municipal services to the residents in a local jurisdiction. For this person the institutional structure, rules and accountability will be different to make his work responsive to locally voiced concerns.

⁶DSP (2003).

⁷Kennedy (1987).

⁸Pakistan (1974).

A connected issue to this discussion is the federal or national level efforts of civil service reform. By definition such efforts average out civil service diversity, adopt a uniform approach and attempt broad based solutions. With the limited scope of such a mission their effects cannot be far reaching unless they seek to bring 'change' and then let the real managers deal with the consequences, shape the institutions and their operations as it suits the field level wisdom or announce major changes and then implement through piece meal compromises, adjustments without a plan and letting the force of events themselves shape things over the medium term. With this approach the actual change and reform comes in the second phase where operational heads occupy the newly created space within the statutory domain to redefine their institutional practices. This approach cannot be totally discounted but as argued earlier it has limitations and costs which are often unrecognised. A much lower cost reform will be managed at different levels of government, comprising different sector based efforts following appropriate timelines without the compulsion of big bang simultaneity. Civil service reform is in these terms sometimes conceived as an ongoing process, without a clear beginning or end.⁹

Within the general attributes each branch of civil service merits a specific treatment. Investments in acquiring qualification and differences in the nature of work are so wide apart that they cannot be ignored. Each type requires that it be treated according to its specific attributes; the design of the institutions, rules, incentives on performance and career patterns requires refined calibration to match the specific institutional design to the type of civil service. These matters are not amenable to broad based treatment. The best way to deal with them is not passing statutory amendments either. Laws remain at the level of setting basic principles. If they go beyond setting such principles they become vehicles for ephemeral policy decisions not necessarily suited to formal statutory attire. It is pertinent to mention the recent attempts like the amendments to the local government ordinances to create a 'district service'.¹⁰ It sets a good principle. Creating a local level civil service is not per se controversial. But beyond the basic principle comes the hard part of designing individual career paths, rules of conduct, incentive systems and all else that goes with a 'service'. Each province, and within each province the departments have particular characteristics which provide the site and material for erecting new structures. Unfortunately, the creation of the district cadres does not follow automatically from legal amendments. The progress of the district service is therefore a case in the point.

5. LOCAL CIVIL SERVICE REFORM

At the same time discussion on local cadres or civil service requires further consideration. The structures have been changed and the current rules governing the civil service in the local governments are at best an anachronism. The local government reform built on the principles of decentralisation created local structures with local accountability. The political institutions assumed the charge of policy making and government in 2001. Over the last five years controls have been passed down and in some cases important reversals also took place. All of these should be seen in the context

⁹Dugget (2002).

¹⁰Pakistan (2005).

of provincial policy makers responding to pressing needs of development.¹¹ But this ever changing context for the work of civil service is not unparalleled given the international cases: allocation of functions and review is a continual process in the earlier stages of development.

But beyond the assignment of departmental functions and responsibilities comes the major question of setting the details of local civil service, its attributes and nature. Again the general advice and broad principles will not be of great help. To illustrate the point further let me present a hypothetical case, where the information is based on actual facts. The TMA in Uthal requires town planning and finance managers.¹² Its requirement faces the constraint of its financial capacity. TMA Uthal needs the services in the spirit of decentralisation; matching needs and capacity to pay with expertise it may be able to procure the services of a Mr.A with a certain level of qualifications and experience. At the same time Ms.C is also available but her qualifications and experience is higher than A and she would like to be paid at a higher level. Quetta Town I needs the services of a town planning official with much higher expertise. Suppose C's resume matches the requirements of Town I. Now at the optimum A should work for Uthal and C should work for Town I, and to ensure that one mechanism can be developed by writing the requirements clearly along with offering compensation packages which attract A to Uthal and C to Town I. The compensation package in Town I will of course will be higher and C will self-select to work for Town I ensuring that A works for Uthal. In the civil service this kind of a quasi-market mechanism may or may not work due to the rigidities and unsure supply of expertise in the short run. If the incentives are clear and significant, in the limit all kinds of expertise will be available in the market. If it is not possible to create such a pure mechanism, the structure of the civil service and its rule and regulations will need to be designed in a manner which keeps it closest to the pure mechanism.

The local level the civil service reform has some competing objectives, generated due to the smaller size of jurisdictions. The most important ones are: (a) ensuring appropriate expertise at all levels and to all categories of local government; (b) ensuring adequate control of the local executive over the local civil service. The first objective is a necessary condition for improvements in local service delivery. Without appropriate expertise the local governments cannot live up to the expectations of their residents, manage increase in finances and convert resources into tangible services. The decentralisation reform aimed at unleashing new energies into public management;¹³ it anticipated people's participation in local public sector management and bring in the much needed zest for responding to people's needs. One of main forces behind the latest round of decentralisation reform in Pakistan has been the quest to create responsive and locally managed systems for improved service delivery. These expectations have not been immediately realised. The formal controls have shifted to the local political executive to a large extent but service delivery systems continue to be weak. Programmes investing resources are increasingly realising that the capacity of the local civil service remains a major constraint.

¹¹For a detailed view of this concept see Hutchcroft (2001).

¹²DSP (2005).

¹³NRB (2000).

The immediate and transition solution aimed at providing appropriate capacity through assigning provincial civil servants to manage most of the local functions. All important local offices are filled up by provincial civil servants belonging to various cadres. This solution has worked well in ensuring that transition did not cause any major disruptions in service delivery. But over the longer run local governments need to establish more control over their civil servants. Here a major challenge is presented to conceiving a reform which while balancing against other objectives provides the appropriate level of expertise to local governments. In many areas the expertise is seriously deficient or absent. Town planning is an area where trained experts are not available to a large majority of local governments. The rural TMAs have inherited the town planning mandate from the earlier urban local governments (in the city districts the function has been given to the towns). But the expertise is not available in good enough numbers even in the provincial governments. Consequently, TMAs have not been able to take up this function and deliver results on another area which received a lot of attention in the discussion leading up to local government reform. Now an important dimension of this problem illustrates an important general issue in local civil service reform: if the local governments are not constrained by any ban on recruitment will Uthal be able to procure the services of a trained local or non-local town planner. And if the labour market can supply such an expert does it have the capacity to manage and pay such an expert. In this case it is given that the expert, if he is non-local will need to be paid an adequate sum, over and above the salary, to cover the cost of moving residence and a monthly sum to ensure that he works away from a big city. The second dimension concerns the TMA's technical capacity to provide institutional support to him to lay out plans, implement standards and manage urban growth and expansion. A provincial or sub-provincial organisation may be the best suited mechanism to provide such technical support and periodic mentoring. The illustration explains the issue that creating local capacity for local functions, notwithstanding the desirability of such an outcome, is not merely a matter of amending rules or even taking a policy decision to remove the fetters on local governments to hire experts on their own.

Simultaneously, attention is to be given to the second dimension alluded to above: the local executive needs to be incharge of the local civil service. Without such controls the political executive cannot manage the local service delivery and be clearly held accountable by the electorate. Their capacity to manage their policy agenda is severely limited without such controls. The ideal solution will be to allow local governments raise their own cadres. The appointment, promotion and transfer policy and systems will in such a case be totally and completely within the domain of local government. Having such a system, it is felt, may not be possible except in departments and branches where the local labour market is adequate in size. Under the previous local government laws council employees belonged to this category. Elaborate rules and regulation are available for these categories of employment.¹⁴ The practice is a good experience to build on. Even prior to decentralisation the methodology of local hire was in vogue but since the departments were provincial the employees despite local hiring remained provincial. It is not difficult to change the nature of employment from provincial to local in all such

¹⁴Sindh (2000).

cases. The example would be primary school teachers, junior level hospital staff or the ministerial staff in all the departments.

But the real challenge comes when we go into areas requiring a labour market larger than the one inside the boundaries of a local government or where the role of the civil servant is such that it needs operational autonomy. For such areas, local cadres are not the best option. It requires innovative thinking to balance the two objectives.

The traditional framework of civil service does not provide many options to deal with all these situations. Civil servants from provincial cadres can be posted to local governments, drawing upon a larger pool but then they are not fully accountable to local executive, weakening local accountability. It has been demonstrated that this remains a major issue in decentralisation;¹⁵ a somewhat unfinished agenda of decentralisation in Pakistan.

Before going into further discussion of this matter it is important to highlight a few points germane to its consideration. Reform is unnecessarily presented and seen as an anti-civil servant move. This springs from the unfortunate attitude demonstrated by some of those espousing change. Although it seems simplistic to attempt putting together a system without the participation of civil service or attempting to portray them as a colonial vestige. It runs counter to the fact that a modern civil service is part of every nation, with or without a colonial past. Needless to say that the epithet of colonial is reserved for the civil service alone among all the modern institutions of the state. In other countries with a colonial phase in history, civil service development recognises the impact but a more rigorous analysis finds that the ethos changes over time and responds to new phases.¹⁶ It is important to emphasise that if the attitude demonstrates a serious understanding then it militates against the reform itself. Modern civil service is supposed to apply rules and regulations with scant disregard to any considerations except the rule of law. A tarnished image, where people in the government themselves contribute to it, does not work in favour of building an environment for diligent work. At a more serious level it reduces reform to changing titles and the compulsion of presenting offices as new. Serious understanding is replaced by populist compulsions. For a meaningful reform this needs to be traded in favour of efforts to analyse the factors which work against good working of the civil service.

There can be several ways in which a local civil service can be developed. A brief description of a possible option is presented here to illustrate the main point of discussion in this paper; namely that it will require an innovative approach which might not be amenable to a uniformist legal framework. For the local civil service instead of having provincial or local cadres in cases where neither is suitable a third category can be created which can be termed as the locally serving officials¹⁷ This will be a kind of civil service cadres which are controlled by both the province and the local governments to provide the best that can come out of the two levels of government: it can work as described below:¹⁸

¹⁵ADB (2005).

¹⁶See Halligan.....

¹⁷Same as Local District Service in ADB, DfID, WB (2004).

¹⁸There is a bit of simplification here to avoid complicating the issue; therefore the role of Services and General Administration is being built in place of all such departments including local government department.

- (a) The Services and General Administration Department works out the projections of numbers of positions in various categories and provides them to the Public Service Commission;
- (b) The Commission selects the officials on a competitive basis and places them on a selected list;
- (c) The Services Department arranges pre-service or periodic training, as the case may be, for the individuals on the select list;
- (d) The local governments advertise positions with qualifications and experience requirements. The requirements worked out in consultation and with approval of Services Department;
- (e) Only individuals on the select list are eligible to apply;
- (f) The officials for the position in local government are selected by a committee which includes a provincial departmental representative;
- (g) The official upon selection is placed on a renewable or non-renewable contract with the local government following a contract format vetted by the Services Department; and
- (h) For the senior positions, performance evaluation is reviewed by the provincial departments and for a sample of officials the Services Department reviews performance evaluation and reports on the civil service management of the local government on an annual basis.

The mechanism can be applied allowing different degrees of roles to local government. A factor which is kept in consideration should be the size of the local government. It is evident that Lahore and Karachi should be given much bigger role in hiring and managing their civil service; to varying degree the similar roles should be given to other cities.

6. COMPLEMENTARY ACTIONS

The discussion about civil service will remain incomplete without talking about important factors which shape or de-shape the rules under which the civil servants operate. For instance: is the civil servant an agency to follow orders and do the bidding of the executive or is he to implement standards enshrined in the law. Is she to implement programmes and policies without comments or is she part of the policy making itself as well. Most views will point out that in practice a civil servant is partly both. This is again a basic question rendered much easier once it is possible to demystify by disaggregating as discussed above. Clearly some civil servants fall primarily in one category while the role of others falls in the second most of the time. For the former the structure and rules have to be different than the latter. Historically the Deputy Commissioner became an office which was performing both kinds of functions. Under the first mentioned above, his role as district magistrate or as collector were the prime examples; the expectation was to implement law and standards and work outside the influence of the local elite. Under the second category of functions was his role of working as a coordinator of development and service delivery where he was to work with the residents and their representatives. In the new local government system the second role has been emphasised and therefore the office of the DCO works under the Nazim. At the same time it seems

that the control of the local Nazim over the DCO has been uncomfortably dealt with. The local government ordinances also place the responsibility of maintaining standards on the DCO; in such a situation what is a civil servant supposed to do: carry out the orders of the elected official or implement the standards when the two are in conflict.

This is basic question which reforms sometimes do not adequately address. Connected with this is the notion of the supremacy of the elected office over the appointed civil servant. Various rules and amendments to laws over time have attempted to address this issue. It is clearly a complex one and it is not easy to address it simplistically. Sometime previous reforms have tilted it one way or tried to calibrate it by refining the systems toward the other side. It seems the efforts have worked but to a limited extent. All principles in political science and management theories are relevant to this discussion. But to design a system of civil service which works according the cultural and social norms of Pakistan a refined combination of all the principles is required. Skirting around the issue will not help.

Again the local government system will highlight this issue very clearly. Local government officials are unhappy many times with the instructions that they receive from their elected executive. In turn the elected officials report that they find the local civil service does not implement their programmes. To add to this working environment the provincial government creates another set of priorities for the civil servants. Those who work with such competing prioritisation and still manage to achieve success are worthy of admiration.

The supremacy of the elected representative is not worth questioning. The elected representatives frame policies and laws under a constitutional mandate and have the final word in most cases. Exceptions to the rule being violations of a law for the time being in force or court directions which may countermand their directions. At the same it will be useful to bring out in this discussion that the supremacy of an elected representative or official stems from representation of the people. His legal mandate provides him the wherewithal to carry out people's wishes into law and general public policy. It has been clearly established in all functioning democracies that the laws and such directions are applicable for the wider public good and generally should not discriminate to favor a few individuals. Therefore, the sanctity of the mandate does not extend to particular directions in individual cases. The ongoing conflicts in recruitments or posting of education department officials test the strengthen of our system. Civil service reform should enunciate the principle of supremacy and at the same time lay down its boundaries.

Another dimension stemming from this discussion is the conflict between the state and civil servants perpetuated in the media.¹⁹ Notwithstanding the populist advantage of claims of about the civil service being a colonial vestige, such claims have been working against a meaningful reform. Claimants create a self-imposed compulsion of undoing institutions to satisfy the need to be seen as undoing the colonial past. It shifts attention away from creating a system where meritorious civil servants can functions without fear or retribution while they are implementing the laws and policies set by the government. To ensure a motivated civil service committed to implementing laws and policies the civil servants should have adequate access to redress of grievance. Where there is abuse of power by elected officials the system should provide for remedial measures.

¹⁹For a comment on this discussion, see Noorani (2006).

To remove the sense of fear created by the populist statements and bring the civil servants on the right side of reform among other actions the reform should explicitly declare its attention of improving their work environment. Civil service should be protected against knee jerk reactions. They should have access to redress of grievance mechanisms. Complimentary actions to civil service reform will build higher chances of its success. One of them will be to lay out a redress of grievance mechanism.

Simultaneous treatment of standard enforcing offices and service delivery departments creates certain confusions. Sometimes the attempts to reconcile the two lead to half-hearted compromises. When undertaken without regard to this distinction the outcome is at best an unknown arrangement. This is best illustrated by the police reform undertaken since 2002. On the one hand the district magistrate's accountability and in-built mechanism has been removed to provide autonomy, and on the other the public safety commissions have been created to provide the same. The former was an institutional mechanism to provide an accountable working environment to police and allow it adequate but well defined space for enforcing law without trampling on civil rights. The state of its functioning is a separate discussion not part of this discussion. At the same time to give police more operational autonomy, political oversight was removed. The 2005 amendments to the law have swung the system to some unknown point where the agencies have to perform their roles discovering through experience at what point their institutional longitudes cross the informal latitudes and power relations. This is not a good recipe for development of professionalism or service to the ordinary poor citizen in Pakistan's cities or villages.

The second dimension is therefore important in contemplating civil service reform. Separating the enforcement of standards role from service delivery creates opportunities for the reform to give individual and particular treatment to departments and entities within them, instead of following a general approach. No role in the public sector will be probably purely one or the other exclusively. But some offices have more of one compared with the other. Distinguishing between the two kinds of roles will help create institutional structures, write rules and lay out accountability mechanisms which suit them. In the service delivery departments the operational controls of the political executive should be strengthened, the standard enforcement role requires a different treatment.

CONCLUSION

In conclusion I would like to state the basic argument of this paper again. Civil service in Pakistan has many strengths and suffers from a large number of weaknesses. These should be analysed professionally and the temptation toward populism avoided. The foremost task toward setting the agenda for reform is to disaggregate the problem statement and undertake reforms which are gradual as well as specific to sectors. A uniformist approach is unnecessary. It has constrained the civil service and has not allowed it to develop into diverse institutions suited to each sector's requirements.

Different branches of civil service require different approaches. The best option seems to be to support evolving practice and systems at the departmental level within each tier of government. Most important initiatives are taking place at the provincial level and these should be the first priority for support. Federal initiatives and institutions

should to provide professional support while leaving the direction and initiative with the provinces. Removing constraints like unified pay scales or other such policy level decisions national level initiatives can be helpful. For the local government due to the smaller subsets of market available to each unit a higher level approach may be required. For sharing of experience and undertaking work on common themes provincial initiatives will be useful.

Undertaking meaningful reform will require complementary actions. A matter of primary importance is improvement in the work environment and restoration of civil servants' confidence in their jobs. Political executive should renew its commitment to a rule of law based management and evolve mechanisms to ensure that it does not give confusing signals to the civil servants and does not create perverse incentives for its work.

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